HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2788 OF 2005.

Mangesh B. Deshmukh & Ors. ...Applicants.

V/s.

The State of Maharashtra & Anr. ...Respondents.

WITH

CRIMINAL APPLICATION NO.2791 OF 2005

Prashant Shamrao Dhiwar. ...Applicant.

V/s.

The State of Maharashtra. ...Respondent.

Shri K.S.Patil, for applicants.

Shri A.S.Gadkari, APP for respondent.

CORAM: A.M.KHANWILKAR,J
DATE : MAY 2, 2005

P.C. :-

1. Heard counsel for the parties. Perused the record.

2. I see no reason to depart from the conclusion reached by the court below in rejecting the application preferred by the applicants before this court. In so far as, the accused Mangesh, Bablu and Pramod, are concerned, the evidence of Sandeep Survey indicates the

role played by each of these accused. In addition, there is recovery of bloodstained cloths from Mangesh, bloodstained Stick from Bablu and bloodstained clothes from Pramod. Besides, in so far as applicant No.1 and 2 Mangesh and Babalu are concerned, their role has been spoken about by witnesses Pradip More and Sambhaji More who are the independent witnesses.

3. The prosecution case is that Maruti Van was driven by Prashant Shamrao Dhiwar, wherein co-accused were travelling. All of them chased the vehicle of deceased which was intercepted and thereafter, the deceased was assaulted by them. From the sequence of events, it is obvious that each of the applicants before this court were member of unlawful assembly. The fact that no injury is attributable to weapon possessed by the applicant No..2 Babalu is concerned, that would make no difference, being member of unlawful assembly. As offence is of serious nature and as there is evidence to show complicity of the applicants in commission of the offence, not a case for bail. Hence both these applications are rejected.

4. As prayer for bail is rejected. Sessions Judge, Pune, is directed to assign the case to Fast Track court, if already not assigned, so as to ensure the

early disposal of the trial. In case, it is not possible to assign the case to Fast Track court, for any reason, whatsoever, the trial Judge shall ensure that trial is expedited as High Court expedited case.

5. In the event, the trial court is of the opinion that the applicants are responsible for delay in trial, the same fact be recorded in roznama, which will be taken into account as and when occasion arises.